

REMARKS

Claims 1-8 are pending. Claim 1 has been amended.

Claims 1-8 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Accordingly, claim 1 has been amended to be tied to another statutory class of invention.

Support for the amendments to claim 1 are found inherently and implicitly in the specification. *See* MPEP 2163 (“each claim limitation must be expressly, implicitly, or inherently supported in the originally filed disclosure.”). One of ordinary skill in the art would immediately conclude from the subject matter of the description, for example, that because DECS are known by all such practitioners to be issued and traded exclusively via electronic trading systems using electronic securities depositories (*i.e.*, electronic book-entry systems), computer implementation and electronic issuance and trading are implicit in the description. *See, e.g.*, page S-40 of Prospectus Settlement, *available at* http://media.corporate-ir.net/media_files/nys/cd/ProspectusUpperDECS.pdf (“The depository also facilitates the settlement among participants of securities transactions, including transfers and pledges, in deposited securities through electronic computerized book-entry changes in participants’ accounts, thereby eliminating the need for physical movement of securities certificates.”).

Additionally, Professor Goran Bergendahl has declared in the European counterpart application (EP 1 503 319, Application No. 04103589.0), which claims priority to the present application, that “it is evident and implicit that personal computers (pc:s) must be used to perform a method according to the specification.” Professor Bergendahl’s Declaration is attached hereto. Accordingly, claim 1 has sufficient support for these amendments and is now believed to be patentable under 35 U.S.C. § 101.

Therefore, it is respectfully requested that this rejection be withdrawn.

CONCLUSION

The undersigned representative respectfully submits that this application is in condition for allowance, and such disposition is earnestly solicited. If the Examiner believes that the prosecution might be advanced by discussing the application with the undersigned representative, in person or over the telephone, we welcome the opportunity to do so. In addition, if any additional fees are required in connection with the filing of this response, the Commissioner is hereby authorized to charge the same to Deposit Account No. 504402.

Respectfully submitted,

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